

MINUTES OF A MEETING OF BABERGH DISTRICT COUNCIL HELD IN THE COUNCIL CHAMBER, COUNCIL OFFICES, CORKS LANE, HADLEIGH ON FRIDAY 26 SEPTEMBER 2014

PRESENT: Kathy Pollard – Vice-Chairman in the Chair

Jenny Antill	Richard Kemp
Clive Arthey	Frank Lawrenson
Michael Bamford	Robert Lindsay
Simon Barrett	Mary Munson
Peter Beer	Mark Newman
Nigel Bennett	John Nunn
Dave Busby	Adrian Osborne
Sue Carpendale	Jack Owen
James Cartlidge	Nick Ridley
Richard Cave	Brian Riley
Kathryn Grandon	David Rose
John Hinton	John Sayers
Bryn Hurren	Ray Smith
Jennie Jenkins	Rex Thake
Peter Jones	Sue Wigglesworth
Desmond Keane	David Wood

The following Members were unable to be present:

Tony Bavington, Peter Burgoyne, John Deacon, David Grutchfield, James Long, Neil MacMaster, Jack Norman, Tony Roberts, Trot Ward and Len Young.

30 PUBLIC PARTICIPATION SESSION

Penny Wilby of ‘the best of Sudbury’ having given notice of her intention to speak made a statement in support of Robert Lindsay’s Notice of Motion on a proposal for local authorities to be given the power to raise a levy on the largest retail outlets. A copy of Ms Wilby’s statement is appended to the minutes.

31 MINUTES

RESOLVED

That the minutes of the meeting held on [24 June 2014](#) be confirmed and signed as a correct record.

32 DECLARATION OF INTERESTS

None declared.

Richard Kemp subsequently referred to his close connection with small businesses in relation to the item referred to in Minute No. 36 – Notice of Motion but stated that this was not a declarable interest.

33 CHAIRMAN'S ANNOUNCEMENTS

Events Attended

The Vice-Chairman of the Council referred to [Paper P52](#) outlining recent events attended by her and by the Chairman of the Council.

34 PETITIONS

In accordance with Council Procedure Rule No. 14, it was noted that the following petition had been received:-

Planning Application No. B/14/00784/FUL – Application for change of use of the former greengrocer's shop to a hot food take away, 40 The Street, Capel St Mary

Petition signed by approximately 40 residents of Babergh objecting to the opening of any more fast food outlets in The Square at Capel St Mary.

Receipt of the petition will be reported to the meeting of the Planning Committee on 1 October and taken into account when the application is determined by the Committee, which is anticipated to be at the meeting scheduled for 15 October.

35 RECOMMENDATIONS AND REPORTS FROM COMMITTEES

Joint Annual Treasury Management Report 2013/14 (Babergh Audit Committee – 23 September 2014)

The Chairman of the Babergh Audit Committee introduced the Committee's recommendations.

RESOLVED

That the Treasury Management activity for the year 2013/14, as set out in [Paper P51](#) and its Appendices be noted, subject to the incorporation of any minor amendments required.

Note:

It is a requirement of the legislation that the Annual Treasury Management Report is submitted to the Full Council for noting.

36 NOTICE OF MOTION – SUPERMARKET LEVY

A motion as set out below was moved by Robert Lindsay and seconded by Jenny Antill, the requisite notice thereof having been given in accordance with Council Procedure Rule No.17.1. Robert Lindsay in proposing the Notice of Motion, as set out below, provided some background to his proposal, including information circulated with the Council agenda.

“That a letter be sent to the Secretary of State for Communities and Local Government requesting that local authorities be given the power to introduce a levy of up to 8.5% of the rateable value on supermarkets or large retail outlets in their area with rateable annual value not less than £500,000 and for the revenue to be retained by local authorities in order to be used to help improve their local communities.”

The Chairman of the meeting did not exercise her discretion to allow the motion to be dealt with at the meeting, which therefore stood referred without discussion to the relevant Committee.

RESOLVED

That in accordance with Council Procedure Rule No. 17.3, the matter stands referred to Strategy Committee for consideration and report.

37 QUESTIONS FROM THE PUBLIC

None received.

38 QUESTIONS FROM MEMBERS

None received.

39 SKY LANTERNS AND HELIUM-FILLED LATEX BALLOONS

The Head of Environment introduced [Paper P53](#) which was generally welcomed by Members as taking a clear stance in discouraging the practice of releasing lighted lanterns and helium balloons, and setting a good example to other public bodies and organisations, particularly through the use of widespread publicity.

The Head of Service responded to Members’ questions about the operation and policing of the proposed policy, including the resource implications and the role of the Council as Licensing Authority.

RESOLVED

- (1) **That as a matter of urgency and where legally possible, the Council takes all necessary steps to ban the use or release of lighted sky lanterns and helium-filled latex balloons on all land owned by Babergh District Council and encourages other organisations to ban the use of such lanterns and balloons in general across the District.**
- (2) **That Parish and Town Councils in the Babergh District be requested to follow the example of the Council and prohibit the use or release of lighted sky lanterns and helium-filled latex balloons on land in their respective ownerships.**

- (3) That the Licensing Authority, via application of its statutory licensing functions, requests that licence applicants, event organisers and their authorised agents voluntarily prohibit the use of sky lanterns and helium-filled latex balloons at licensable events and premises in the Babergh District, and further requests that the Licensing Authority considers, where appropriate and on a case-by-case basis, imposing relevant Licensing Act 2003 conditions in respect of such a prohibition so as to promote the public safety and prevention of public nuisance licensing objectives.

40 RECOMMENDATIONS ON CONSTITUTIONAL CHANGE – PLANNING CHARTER

The Corporate Manager – Governance presented a report from the Head of Corporate Organisation ([Paper P54](#)) asking Members to consider the recommendation of the Joint Constitution Working Group (JCWG) for the adoption of a new Planning Charter which was attached to the report as Appendix A.

The recommendations in 2.1 and 2.2 of the report were proposed and seconded. There followed a discussion about the resolution of any difference of opinion between a Member and relevant officer regarding a request to refer an application to Committee, as a result of which the proposer and seconder accepted a revised Recommendation 2.1 incorporating an appropriate provision to cover any such eventuality.

An amendment to the recommendations to align Babergh and Mid Suffolk practices on Committee Members' position with regard to voting on applications in their own Wards was proposed and seconded. The Monitoring Officer clarified the legal position which did not prevent Members of Babergh's Planning Committee from voting on applications in their own Wards, subject to the usual requirements for keeping an open mind and listening to the debate at the meeting before coming to a conclusion.

A recorded vote was requested in accordance with Council Procedure Rule No. 23.6 on the amendment, the effect of which would be to allow Members of Babergh's Planning Committee to speak but not vote on applications in their own Wards. The result of the recorded vote was as follows:-

For the Motion

Michael Bamford
Nigel Bennett
Dave Busby
Sue Carpendale
Kathy Pollard
David Wood

Against the Motion

Jenny Antill
Clive Arthey
Simon Barrett
Peter Beer
James Cartlidge
Richard Cave
Kathryn Grandon
John Hinton
Bryn Hurren
Jennie Jenkins
Peter Jones
Desmond Keane
Richard Kemp

Abstentions

Robert Lindsay

Against the Motion

Frank Lawrenson
Mary Munson
Mark Newman
John Nunn
Adrian Osborne
Jack Owen
Nick Ridley
Brian Riley
David Rose
John Sayers
Ray Smith
Rex Thake
Sue Wigglesworth

The result of the recorded vote was 26 Members voting against the motion with 6 Members in favour and 1 abstention. The amendment was therefore declared lost and the original motion (Recommendation 2.1 of [Paper P54](#), as revised) was carried on being put to the vote.

RESOLVED

- (1) That the Planning Charter attached as [Appendix A to Paper P54](#) be adopted with immediate effect, but introduced for a transitional period and form part of the Council's Constitution, subject to a provision to ensure that in the event of a dispute in relation to 13.1, there is consultation with the Chairman and/or Vice-Chairman before a decision is taken by the officer.**
- (2) That the Monitoring Officer be authorised to make any typographical and/or other minor changes together with any other consequential changes to the document referred to above.**

41 LOCALISM ACT 2011 – APPOINTMENT OF INDEPENDENT PERSONS

The Corporate Manager – Legal and Monitoring Officer presented [Paper P55](#) asking the Council to appoint its 'independent persons' under the Localism Act. Members noted the position regarding Mr Barrow, as referred to in Appendix 1 to the report, and that Mr Godfrey lives in Sproughton and not in Ipswich as stated.

RESOLVED

That the first three individuals listed in [Appendix 1 to Paper P55](#), being Ms H Clark, Mr C Godfrey and Ms S Westwood, be appointed as the Council's 'independent persons' pursuant to Section 28 (7) of the Localism Act 2011 for a term of two years with an option to extend the appointment for a further two years.

42 THE OPENNESS OF LOCAL GOVERNMENT BODIES REGULATIONS 2014

The Head of Corporate Organisation presented [Paper P56](#) advising Members on the effects of the Regulations and seeking Council approval to adopt the measures as set out in the Appendices to the report.

He read out an amended wording adopted by Mid Suffolk at its recent Council meeting which meant that members of the public would be asked to positively affirm their consent to being filmed. However, the view of Babergh Council was that the wording proposed in Appendix B to the report, whereby persons who objected to being filmed would not be included in any filming, was acceptable.

RESOLVED

- (1) That the contents of [Appendix A to Paper P56](#) be adopted with immediate effect.
- (2) That the Filming Protocol as contained in Appendix B to the report be adopted with immediate effect.
- (3) That the Council's Monitoring Officer be authorised to make any amendments to the Council's Constitution which may be necessary as a result of adopting the requirements within Appendices A and B to the report.

43 COMMENCEMENT TIMES OF FUTURE COUNCIL MEETINGS

The Head of Corporate Organisation reported that at the Council meeting on 25 June 2013, Members agreed to alternate the times of Council meetings between 9.30 a.m. and 5.30 p.m. for a trial period of one year from June 2013.

Members were asked to review the trial period and to agree on future meeting times for Council. They noted that the average percentage for Member attendance was approximately 78% regardless of start time and considered that the currently scheduled times should be unaltered.

RESOLVED

That the Council meetings scheduled for the remainder of the current municipal year remain as set out below:-

- 28 October (9.30 a.m.)**
- 16 December (5.30 p.m.)**
- 24 February (9.30 a.m.)**
- 21 April (5.30 p.m.)**
- 19 May (9.30 a.m.) – Annual Council meeting**

44 RAISING THE BAR – REPRESENTATION ON COUNTY-WIDE GROUP

The Strategic Director (People) reported that Babergh and Mid Suffolk have been invited to make a joint appointment to a County-wide Group, which is being set up by Suffolk County Council. Members were aware that the two Council Leaders had been consulted and had agreed to nominate Councillor Marilyn Curran (Mid Suffolk) as the representative with Councillor Sue Carpendale (Babergh) as her substitute.

The appointments were subject to Babergh and Mid Suffolk Councils endorsing the respective appointments of Councillors Curran and Carpendale, and Mid Suffolk at its recent Council meeting had agreed the appointments on that basis.

RESOLVED

That the appointment of Councillor Marilyn Curran to represent Mid Suffolk and Babergh on the Raising the Bar Sponsoring Group for the remainder of the current term of office be endorsed. Further that Councillor Sue Carpendale be appointed for the remainder of the current term of office as the nominated substitute on the Group.

45 SHARED REVENUES PARTNERSHIP (SRP) JOINT COMMITTEE

The Head of Corporate Resources reported the recommendation of the SRP Joint Committee for the removal of the provision in the SRP Agreement between the three Councils (Babergh, Mid Suffolk and Ipswich) for the Chairmanship of the SRP to rotate every two years, which would mean that the period of office of the Chairman could extend beyond two years. The approval of each individual Council in the Partnership is required to amend the Agreement.

RESOLVED

That, with the agreement of the other Partner Councils, the Shared Revenues Partnership Agreement be amended so that it provides for the office of Chairman (otherwise than to fill a casual vacancy) to be held by an appointee of one of the Partner Councils together with the removal of the requirement for (a) this to be in rotation and (b) the period of office being restricted to two years.

The business of the meeting was concluded at 7.45 p.m.

.....
Chairman